



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

**JUDGE GEORGE M. HARRISON.\***

---

Out of the chaotic conditions that followed reconstruction in Virginia, arose the great political struggle over the settlement of the State debt. It was a noted political period in Virginia history. Parties and families were divided. There was intense political excitement and much bitter feeling, and men had sometimes been promoted and placed in high places who were not always of the highest merit. But the debt question settled, men fell back into their old party alignments, and the Democratic Party was again supreme. The five judges of Virginia's Supreme Court were to be chosen, and the triumphant and dominant party was pledged to select judges of the highest talent and purest character. Only men in the very front rank of their profession were considered. Little men, elbowing their way to high places, had no showing. Candidates seeking the places had no part nor lot. The people were looking for their best men, and when the Legislature elected the scholarly and brilliant James Keith, the learned and painstaking John W. Riely, the man of men and things and books, Richard H. Cardwell, the great land lawyer, John A. Buchanan, and the studious and profound George M. Harrison, there was universal approval. Their term began on the first of January, 1895, and marked a new era in Virginia's judicial history. It was indeed an impressive Court. Each member was a man of great presence, and there were few experienced lawyers who were not embarrassed in the presence of the Court.

There was much accumulation of business; the dockets were crowded. Litigants everywhere were impatient. Hard work was to be done but the industrious Court did it, and did it well. The dockets were soon cleared and ever afterwards the Court kept abreast with its work. Few, if any, other courts in this country have made such a record. All of these distinguished judges served for more than twenty years, except Judge Riely, who died in 1901 and was succeeded by Judge Stafford Whitte. Judge Buchanan resigned in 1915, and was succeeded by Judge Joseph L. Kelly. Judge Keith, who had been President of the Court from its organization, resigned in June, 1916, and

---

\*Written on request by Charles Curry, Staunton, Va.

was succeeded by Judge F. W. Sims, and Judge Cardwell became President, and in November, 1916, Judge Cardwell resigned and was succeeded by Judge Robert R. Prentiss, and Judge Harrison was made President of the Court, and when he became seventy years old, on the 14th of February, 1917, he sent his resignation to the Governor of Virginia to take effect March 1st, 1917. His letter of resignation was as follows:

"HON. HENRY C. STUART, GOVERNOR OF VIRGINIA:

*My dear Sir:*

After a service of more than twenty-two years, I hereby place in your hands my resignation of the office of judge of the Supreme Court of Appeals of Virginia, to become effective on the 1st day of March, 1917.

I cannot take this step without expressing to the people of Virginia my grateful thanks for their long continued confidence and consideration. Nor can I fail to acknowledge my indebtedness to the bar of the State for the kindness and courtesy that I have received from them at all times and under all circumstances. It will be pleasant hereafter to remember these things.

Very sincerely yours,

GEORGE M. HARRISON."

This distinguished Judge is of cavalier and Scotch-Irish stock, a scion of Virginia's James River patrician family of Harrisons that has produced two signers of the Declaration of Independence, two Presidents, and many other distinguished characters in American history, and no one of the great old Virginia families has produced more able men.

Judge Harrison was born on his father's plantation near Staunton on February 14, 1847, and received his academic education under his father, Henry Harrison, who was a very cultivated and learned man. He was brought up in the old Southern glamour, under the social and political ideals of the South which had little changed since the days of the Colonial cavaliers. When he was only sixteen years old he enlisted as a soldier in the Confederate army and served with courage and fidelity until April, 1865, when he surrendered with the Fredericksburg Artillery in the Army of Northern Virginia at Appomattox.

The war was over, and we were poor, conquered and disappointed. The cause that had been our hope had been lost. In blood and fire and roar of guns, the very temples of our

lives had tumbled about us and ruin and desolation were everywhere. Everything was chaotic. Society was disorganized and turned upside down. Conditions were such as had never been imagined before in American history. It was not easy then for the young Southern soldier to bear and forbear. There was no hope though, except to build up a new State and a new South and to restore the old order of things. Young Harrison, however, went about doing his part and swore before the altar of his country, not hatred, but loyalty and love, and joined earnestly in the reconstruction of our unsettled conditions. He was a brave, high-spirited young Southerner, not to be discouraged, realizing ever only *ad astra per aspera*. He went to work and did whatever his hands found before him to do. Working with his hands by day and at night pouring over books, he was preparing himself for the great work before him.

In 1869 he entered the law school of the University of Virginia, where he graduated in 1870, and immediately afterwards began the practice of law at Staunton. Staunton at that time had an unusually strong bar, but young Harrison, a talented, hard-working, struggling man, with the highest ideals before him, and ever putting forth his best efforts, soon took a leading place at the bar and appeared in nearly all the most important cases and won the very highest regard from members of his profession. For a number of years he was associated in the practice of law at Staunton with the distinguished Harry St. George Tucker, and during that time they appeared in nearly every negligence case that was brought in our courts.

In September, 1885, Judge Harrison argued before the Supreme Court, at Staunton, the important case of *Donaghe v. Tams*, 81 Va. 132, and a member of the court afterwards said that, in his long experience on the bench, Judge Harrison's argument for the appellant, in that case, was one of the clearest and ablest that he had ever heard. The argument was certainly convincing, for he obtained a reversal.

Judge Harrison, from the very beginning of his career at the bar, with ardor and enthusiasm devoted his talents to laying the foundation upon which was laid a solid and enduring legal reputation. He had never been a seeker for office. He was by no means a politician. He was an able and profound

lawyer and absorbed in the learning and work of his great profession. The leading members of the bar generally recognized that he combined the rare union and poise of qualities that are so essential in the eminent jurist and judge. It was on account of his merits and the qualifications for the office that he was brought out and presented to the Democratic caucus for nomination for Judge of the Supreme Court and before the caucus he led all the other candidates by a large majority. His election occurred about a year before his term began, and from that time on until he took his seat on the bench, the 1st of January, 1895, he devoted his time to winding up his business and in the diligent and persistent study of the law. He read and digested and analyzed hundreds of the ablest opinions of our court and of the Supreme Court of the United States, and when he took his seat on the bench hardly anyone who had preceded him had been better prepared to fill the duties of his office.

Judge Harrison is possessed of a mind that sees with the clear vision, and on the bench he heard patiently and weighed and considered with painstaking care every argument and every suggestion that bore on the case in hand. The development of human progress during the period of his official life was so rapid, so unprecedented in the world's history, and the evolution of the law to conform to social growth had been so marked in every branch, that the great court, of which he was a member, had to break the way into new fields of jurisprudence. He has written as many opinions as any judge who has ever been on the Supreme bench, and in his opinions presented and dealt with almost every question involved in our great living and growing jurisprudence. He had a marked and simple way of dealing with constitutions and statutes and disentangling complicated questions of law and fact. In his many opinions there is no dictum to be found—only the case in hand is presented and considered. He cleared every case of all rubbish and went right to the soul of the case, and in his opinions there is not a sentence that could be omitted without impairing the logical sequence of the whole. Nowhere are settled principles obscured or weighed down with useless matter. All of his opinions are marked with simplicity and clearness. They are, in fact, a new type of opinions. It is true that the law

must be stated over and over again, but it ought not to be uselessly encumbered. Our busy profession has no time to clear away the rubbish to find the thing sought after. Cases of first impression should be dealt with with learning and ability, and the law and reason thereof made plain and clear, but where the law is settled and decisions are based on simple justice, it is believed now by many judges and courts that merely the decision of the points in issue and only the principles of law involved should be stated in the opinions of the courts. Judge Harrison's opinions are in this line—in the line of progress and advancement. They speak for themselves; they are a monument to his memory, and landmarks to guide and to be followed.

Courts are slow to break away from old precedents, and it is well that they are, where settled property rights are concerned, but in all other cases judges and courts should have a freer hand. The tendency of the courts now is to disregard the old opinions when they do not stand for justice in the case in hand, and we believe it will not be long until old precedents will be followed only when they are clear landmarks of justice. Judge Harrison's clear mental vision often saw better and wiser ways, but the day and time for them had not come. Conditions have to be dealt with as we find them. The better and wiser ways come when we are ready for them. The light from heaven blights rather than blesses when the world is not prepared for it. Generations of custom, tradition and habit fetter men in the application of law to life in society, and this condition of things is hard to break away from. Much that is antiquated and absurd is preserved with jealous care, and courts often do not break away from precedents until they become absurd. The world's great tides of progress, however, move on and will in time sweep away the old useless moorings and rubbish, and may it be so if the good and useful survive.

The law is a great and wide field; it extends to everybody, to every possible occupation and to every act and everything in social life. It is endless in its application. Society supplies the material to which the law applies, and we must realize that, as a great law writer says, "Human life is but a part of the terrestrial mass, and law is but a part of human life." As society and states and nations grow, the law evolves and grows with them

to apply and govern. One cannot understand this great subject without knowing its processes and whence and why it came, and from what causes and circumstances it has been rounded into its present shape. But it is the law that concerns human life in society today that the lawyers and courts are required to deal with, and their course in doing so should be as simple and direct as possible. Judge Harrison has done his part well in the development of the law in the great age in which it has been his privilege to live and he has indicated by his writings and in his great opinions the simpler and better ways.

His ardent love of liberty and individual rights is shown everywhere in his opinions. It can be seen that he has an abhorrence of sumptuary laws and that he is not a believer that the members of society only exist for the benefit of the whole. There is now a tendency prevailing—the German idea—that society does not exist for the individual at all, as in the army where the liberty of the soldier is denied and only his duty as a mass is insisted on. It would be interesting to know how the great court, as organized in 1895, would meet and deal with this tendency where the claims of the unit are nothing and the claims of the aggregate everything, even to the invasion of the most sacred rights of the individual, even in his home and at his fireside.

The whole profession united in a feeling of regret on learning that Judge Harrison had sent in his resignation. Virginia could not well afford to lose the benefit of his inestimable services. There was no evidence of decline in him; he appeared like a man in the prime of his manhood. He is interested in life and all world's progress and enjoys good health, and the last opinions that he wrote are equal to any that he has ever written. The old members of the court had labored together so long that it was habit for them to work helpfully together. Judge Harrison missed his distinguished, old associates. He felt the loss of their assistance. He had, however, a high appreciation of the court as constituted when he resigned, and each man on the bench had been kind and had appreciated their distinguished senior. But men who have worked long together are jointly able to do their best work and to do the same work more easily and with less strain than when working with others. And Judge

Harrison had worked as few men work. He was three score and ten, and the responsibility of his office had ever borne heavily upon him. He was so conscientious about the performance of his duty that he always had a modest fear that he would not come up to the high standard that the office demanded. He feared that he might fail in health or that he might not be able to keep up his old standards. The people of Virginia, however, whom he has so faithfully served, appreciate that he has richly earned a rest from his labors, and all wish him God-speed and happy and beautiful years to come. Many words of commendation from every source have been spoken of him. The *Richmond Dispatch*, in an editorial of February 6, 1917, said:

"Such service as has been performed by Judge George M. Harrison throughout his long career is so rare and fine that Virginia cannot view the termination of its activity except with profound regret, softened by gratitude and by the knowledge that a full lifetime of labor is due a reward of rest. Distinguished as one of the strongest men of the State's Supreme Court, Judge Harrison for twenty-two years constantly upheld the majesty of the law and faithfully kept unspotted the ermine of the court.

"Before that service began, he practiced law as men do who hold before them always the ideal that a lawyer is an officer of the courts, a trusted servitor of the law. And before that, he was one of those boy soldiers who helped to make the glory of the Confederacy. Now that he has retired, to become one of Virginia's honored Elder Statesmen, he may, with a clear right admitted by all Virginia, repeat the motto of his alma mater, the University of Virginia, with which he closed his letter of resignation: '*Haec olim meminisse juvabit!*' "

Judge Keith, who so long was the very Nestor of the Court, paid Judge Harrison the following beautiful tribute:

"A review of my long and intimate association with Judge Harrison on the bench of the Supreme Court of Appeals of this State brings back many pleasant memories of an able judge and a gentleman for whom I entertain the greatest respect and warmest regard.

"During his long service upon the bench he delivered many opinions of great importance which will serve as precedents and constitute a valuable contribution to the law of the



State. This is neither the time nor the occasion for a critical discussion of even the more important of his opinions, and for the present it must suffice to say that they are written in a most attractive style, displaying a clear and comprehensive grasp of his subject, and an admirable accuracy and lucidity of statement, and a soundness of judgment rarely found in combination. He is a man of great kindness of nature, whose sympathies are easily aroused, and in consequence he was somewhat prone, in tempering justice with mercy, to be too generous with the latter ingredient; but this fault, if fault it be, is surely one that leans to virtue's side.

"His personal relations with his associates were of the most agreeable character, for he was always a warm-hearted, kindly gentleman, and one whom I shall never cease to consider a much-loved and esteemed friend."

Judge Harrison has always been a striking man in appearance—a man to be noted and pointed out. He is charming in his manners, kindly in nature and free from all bitterness, and he has an abiding faith in his country. He loves his state and people with a true devotion. He believes that a people filled with the joy of life and with the sense of security in the future, as we are, will astonish the world with our achievements. Never for a moment does he falter in his belief in the great destiny of the United States.

Judge Harrison has lived through a great era in American history. He saw the old system pass away. Slavery gave the life about him when a boy the touch of the oriental and the medieval. The patriarchal life and something of the lord and serf had lingered far into the nineteenth century, and in the rapid evolution of the age this strange and anomolous condition, no doubt, brought on the great war between the states. He saw and experienced all the horrors of war; he suffered with the great Army of Northern Virginia; he saw his beloved state laid waste and desolate. With hope and courage he lived through the dark days of reconstruction and he has lived to see all his hopes for his country realized and to see his beloved state and Southland restored to their former influence and power.

Judge Harrison is recognized as one of Virginia's greatest judges, and is beloved, respected and honored by all his countrymen.